

REMARKS

Reconsideration is respectfully requested. Claims 1-6, 10, 13, 15-25 were canceled in previous amendments. Claims 7-9, 11-12 and 14 are canceled in the present amendment. New claims 26-34 are introduced in the present amendment. After entry of this amendment, claims 26-34 will be pending.

Withdrawal of Objections and Rejections

Applicants respectfully thank the Examiner for withdrawing the previous objections and/or rejections.

Rejections under 35 U.S.C. § 103

Claims 7-9, 11-12 and 14 under 35 U.S.C. 103(a) were rejected over Pouletty et al. (US 6,103,223) in view of Breton et al. Reconsideration by the Examiner is respectfully requested on the following grounds.

Claims 7-9, 11-12 and 14 have been cancelled, which renders their rejection moot.

New claims 26-34 are directed to methods of selection of a therapeutic peptide protected against *in vivo* peptidase degradation, which better reflect the scope of the claimed invention as intended by the Applicant. The support for the claims as amended can be found at page 70, lines 5-19 among others. Moreover, claims 26-34 are patentable over Pouletty et al. and Breton et al. under 35 U.S.C. § 103 for the following reasons.

Pouletty et al. teach a method for increasing half-life of therapeutic peptides. However, Pouletty et al. do not teach a step of analyzing the peptide blood component for resistance to peptidase degradation. Moreover, Pouletty et al. do not teach the selection of a particular modified

therapeutic peptide from a plurality of modified therapeutic peptides based on the results obtained from the analysis of the peptide blood component for resistance to peptidase degradation.

Breton et al. teach that the conjugation of pro-urokinase to a modified form of albumin protects the pro-urokinase from peptidase degradation that results in an increased half-life. However, Applicant respectfully submits that the albumin of Breton has been chemically modified in such a way as to break all its disulfide bridges and therefore, the Breton albumin is denatured and different from the non-denatured albumin used in the presently claimed invention.

In response to Applicant pointing out the difference between the albumin disclosed in the present application and the denatured, inactive albumin peptide sequence disclosed in Breton et al., the Examiner stated that "limitations from the specification are not read into the claims." (Office Action of April 7, 2004, pages 6-7). The new claims on file are directed to a method of selection of a therapeutic peptide having been modified to be protected against peptide degradation when covalently bonded to non-denatured albumin. Not only are these new claims novel and non-obvious in view of Pouletty et al. and Breton et al. separately, but it would not have been obvious to one skilled in the art to use the denatured modified albumin as described in Breton et al. to make the peptide conjugates following the teaching of Pouletty et al.

In Applicant's view, this prima facie obviousness rejection has to be withdrawn in view of the new claims. This is based on the fact that combination of the use of the denatured albumin disclosed by Breton et al. for protecting pro-urokinase from peptide degradation and the teaching of Pouletty et al. would not provide the same invention as the one claimed in the present application. Moreover, no suggestion can be found in Breton et al., to replace the denatured albumin used to protect pro-urokinase against peptidase degradation by an albumin having all its disulfide bridges intact. In fact, one skilled in the art might have easily understood that the chemical alteration of the albumin of Breton et al. has something to do with the protection against peptidase degradation.

Conclusion

The references, in combination, fail to teach every limitation of the present claims, fail to provide the requisite motivation or suggestion to combine their disclosures, and fail to provide a

reasonable expectation of success in achieving the claimed method. The Examiner has therefore failed to provide a prima facie case for obviousness. Applicants respectfully request that this ground for rejection be withdrawn.

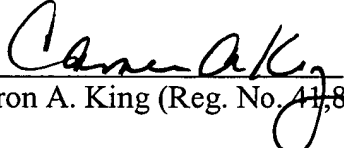
Conclusion

In light of the above amendments and remarks, Applicant believes that this case is now in condition for allowance. Should there be any remaining issues that remain unresolved, the Examiner is encouraged to telephone the undersigned.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 500862002300. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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